

SUBSTITUTE SHEET 5

Serial No. 09/589,510
Group Art Unit: 1638

In the Claims:

Please cancel claims 2 and 10-13 without prejudice.

Please amend claims 1, 3 and 5 as follows:

1. (Amended) An isolated nucleic acid comprising a member selected from the group consisting of:
 - (a) a polynucleotide having at least 85% sequence identity to a polynucleotide of SEQ ID NO: 3, wherein the % sequence identity is based on the entire coding region and is calculated by the GAP algorithm under default parameters, wherein the polynucleotide encodes a polypeptide with RuvB activity;
 - (b) a polynucleotide encoding a polypeptide of SEQ ID NO: 4;
 - (c) a polynucleotide of SEQ ID NO: 3; and
 - (d) a polynucleotide which is fully complementary to a polynucleotide of (a), (b), or (c).
3. (Amended) A recombinant expression cassette, comprising a polynucleotide of claim 1 operably linked to a promoter.
5. (Amended) A transgenic plant comprising the recombinant expression cassette of claim 3.